

STATE OF MINNESOTA

## BOARD OF SOCIAL WORK

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**REGULAR BOARD MEETING**  
**University Park Plaza**  
**University Conference Room A – 4th Floor**  
**2829 University Avenue S. E.**  
**Minneapolis, Minnesota 55414**

**November 18, 2005**

**Members Present:** Kathleen Beehler, LSW  
Anthony Bibus, III, LISW, Chair  
William Cullen, Public Member  
Roy Garza, LGSW  
David Hallman, LSW, Secretary-Treasurer  
Rosemary Kassekert, Public Member  
Margaret Sebring Khali, LSW  
Mary Casey Ladd-Bowman, LICSW  
Peter Langseth, LSW  
Kenneth Middlebrooks, Public Member  
Anoma Mullegama, LICSW  
Beverly Ryan, LISW

**Members Absent:** Paul Gaston, LSW  
Antonia Wilcoxon, Public Member, Vice Chair

**Staff Present:** Louis Hoffman, Compliance Director  
Brenda Mammenga, Compliance Coordinator  
Sheryl McNair, LICSW, Staff Social Worker  
Frank Merriman, Executive Director  
Connie Oberle, Office Manager  
Kate Zacher-Pate, LSW, Assistant Director

### **1. PROPOSED AGENDA**

Chair Bibus called the meeting to order at 10:05 a.m.; a quorum was present. The agenda was approved. Donna DeAngelis and Dale Atkinson from ASWB were introduced to the Board.

## **2. MINUTES FOR SEPTEMBER 16, 2005 MEETING**

Several typographical errors were noted. **A motion was made by Garza, and seconded by Langseth, to approve the September 16, 2005 minutes as amended. The motion carried unanimously.**

## **3. DISCUSSION: ASWB EXAMINATION AND ESL ISSUES**

### **A. Overview of "An Investigation into Alternate Licensure" Study Conducted by Dr. Ralph Holcomb: Colleen McDonald**

McDonald is the Board's consultant on the alternative licensure issue. A copy of her overhead presentation and attachments was distributed. She noted that her last presentation to the Board was an overview of the reason this issue was studied and touched on the findings. Today she presented a review of the findings, the implications of the research, and what may be done going forward.

McDonald noted that Minnesota has experienced a major change in population demographics. The largest population growth is with Latinos, and Minnesota has the largest Hmong and Somali population in the U.S. In addition to enacting alternative licensing provisions, the 2001 legislature mandated that the Board do a study regarding disparity and the failure rate of ESL licensure applicants. McDonald pointed out that social workers fueled the ideal of cultural competency so that universal standards of practice and competency were in place so that harm would not be done to patients or clients.

### **B. FB/ESL Committee Questions to ASWB: Peter Langseth**

Langseth said that the Committee did not meet prior to this meeting, but the committee was encouraged to go into the community to gather questions which could be given to McDonald and ASWB for consideration. He also noted that the committee submitted ten FB/ESL related questions to ASWB in advance of this meeting so that they could be addressed today.

### **C. ASWB Response: Donna DeAngelis, ASWB Executive Director & Dale Atkinson, ASWB Legal Counsel**

Donna DeAngelis thanked the Board for inviting her and Dale Atkinson, attorney for ASWB, to today's meeting. She pointed out that there are varied parts to the ESL issue and that there is no simple action to address it. She referred to table 2.1 of the September 2004 "An Investigation into Licensure" report to the Board written by Dr. Ralph Holcomb. She stated the following:

- Exam data on pass/fail rates on the entire group is not a true reflection of the total because repeat failures bring down the

average passing score. The data should be taken from people taking the examination for the first time.

- Conclusions from 100 scores are statistically insignificant as faulty statistics result from too small a group. ASWB's psychometrician has found that accurate data can only be received with scores of 200 or more.
- Many of the questions posed from the committee cannot be answered because exam information is confidential. However, DeAngelis said it could be revealed to the Board in an executive session, and that the national and our own state's pass-fail rates are public.

Merriman said that our legal counsel from the Attorney General's Office recommended that the Board not have an executive session as this issue does not meet the Minnesota open meeting criteria for an executive session.

McDonald asked about exam development in regard to specific skills/competencies. DeAngelis responded that this data is not available. Although the exam is developed by competencies, the results are not broken out by competencies.

McDonald asked if data could be collected by querying individual questions. DeAngelis responded that each question is rated according to difficulty, but that statistically, responses on an individual question would not be helpful.

DeAngelis concluded by saying that ASWB's role and responsibility is to provide a reliable, defensible exam that does the job and doesn't interfere with the integrity of the exam program. She provided a letter for the Board's record from ACT's psychometrician consultant regarding the exam, which is approved by the ASWB Delegate Assembly.

Dale Atkinson, attorney for ASWB, was introduced and he thanked the Board for the opportunity to speak yesterday at the Board's new member training and at this Board meeting. He said that he would like to clarify questions and address concerns the Board has with ASWB's licensure exam, and that he would encourage Board members to attend ASWB's annual meeting to better understand the exam process. The following are some of his comments:

- He explained that the exam is developed from a legal perspective, ASWB's twenty years of experience, and the support of a psychometrician from ACT.
- Atkinson noted that the defensibility of the exam program is from a legal perspective, and that the exam would lose its legal validity if it was broken down into subparts. He cautioned Boards from using small pieces of data to make important decisions, because they would be relying on indefensible, unreliable data that could be challenged.
- The Delegate Assembly at ASWB's annual meeting also vetoed the study of subparts of the exam because of the legal ramifications

that could result from using data that cannot be relied upon psychometrically.

In regard to cultural competency, DeAngelis said that if people are licensed with minimum competency, they may not be qualified to work in their own community. DeAngelis noted the following:

- Cultural competency questions may be added to the exam in the future. However, to break the exam into categories would require more questions. The exam may be eight hours long rather than the present four hours.
- An alternative is to construct a psychometrically approved computer-adapted exam where the questions would progressively become more difficult. Testing would be complete when minimum competence is reached. The delegate body would have to approve this type of exam.

McDonald asked what ASWB's experience has been in using translation during the exam. DeAngelis stated that to date, translation has not been used. Last year Canada became a candidate to translate the exam into French. She noted that if a U.S. jurisdiction wanted to declare a legal official language for that jurisdiction, ASWB would have to translate the exam. However, the practice analysis survey would be very difficult to translate.

Ladd-Bowman said that this Board is concerned about a culturally/linguistically biased exam, and she asked if this is a national concern for ASWB. She is concerned that there aren't enough clinicians who can work with the immigrant community. DeAngelis responded:

- The Exam Committee includes ESL representatives, and new exam items include questions that ensure there is no cultural bias. The exam has psychometric expertise, and it is relied upon by ACT and the volunteer social worker mix who prepare exam questions.
- ASWB does a national practice analysis on which to base exam questions every 7 years. The most recent analysis included Canadian social workers. Gender, race, ethnicity, practice area and educators are included in the mix.

Ladd-Bowman asked if people taking the exam are asked about their FB/ESL status. DeAngelis responded no and stated the following:

- Some jurisdiction boards do not offer ESL accommodations. However, ASWB could look into it. She noted that one member of the practice analysis task force has English as a second language and is also on the exam committee.
- She said that ASWB is considering including ESL criteria for recruiting, and that demographics are true for the exam committee and item writers.
- DeAngelis stated that new exam items are pretested before they are included in the examination and they are tested to ensure they are valid and reliable for minority groups.

Langseth asked if ASWB has found a difference in practice analysis between Canada and the U.S. DeAngelis responded that there is no difference in practice between Canada and the U.S.

DeAngelis noted that ASWB has 55 item writers, and that 25 new writers are trained every year. There are 16 members on the Exam Committee who serve up to 3 years and they must serve on a board or be part of board staff. Exam writers are chosen from a pool of successful item writers with subject matter expertise. All members are chosen from interested social workers.

Atkinson noted that ASWB does a readability study to ensure that the exam questions are not beyond ten years of education.

Ladd-Bowman and McDonald asked if ASWB has alternative test formats in addition to standardized testing. Atkinson responded that as a regulatory board, for every exception or alternative you create, you must be able to enforce that alternative if challenged. Oral exams have limited enforceability and have been discontinued.

DeAngelis added that although multiple choice questions are difficult, ACT has repeatedly stated that none of the alternative methods are as reliable to determine minimum competency. At this time this is the best way to test 26,000 people per year at a cost of \$125 each. She also stated that the test had an independent evaluation in 1994 and 2000.

McDonald stated that the difficulty with this exam is that it does not test clinical soft skills, and that it may be biased because it is difficult to translate the multiple choice format. She also asked if there were any item writers who were Hmong. DeAngelis stated that different kinds of knowledge are tested and stated the following regarding the exam:

- The Bachelor's test has more recall questions than the Master's level which includes more application or reasoning questions.
- There are no Hmong item writers, and she recommended that the Board recruit them.
- ASWB does collect self-reported race data, but it cannot be reviewed by the Boards. Under the advice of legal counsel, the pass/fail rate of any ethnic group cannot be made public.
- ASWB scales the universal passing requirement according to the actual number of correct items. Therefore, a person cannot assume that they failed the test by one point as it may have actually been three questions.
- The passing score may be either 70 or 75 according to jurisdictional requirement.
- Practice analysis drives exam questions.
- Minnesota consistently has a higher passing rate than other jurisdictions. The last five year statistics show that the Bachelor's level passing rate is 90% and the Master's is 87% for first time examinations.
- ASWB will work with our Board to address concerns. She noted that the ESL issue was discussed at the 1994 ASWB annual meeting, and Langseth participated on a task force. At that time it

was decided to allow ESL people 2 extra hours to test and to allow 2 extra references.

- 17 jurisdictions do not permit ESL accommodations at this time. There are not many requests for this accommodation.

#### **D. General Discussion**

Merriman reminded the Board that the legislature extended the FB/ESL study until 2007. The study is complete, but two more years were needed to complete the recommendations, and then the Board will need to submit recommendations to the legislature in 2007. This has been a very complex issue to deal with, and Merriman expressed his appreciation to ASWB for its cooperation in working with the Board to accomplish this legislative directive.

Bibus summarized the discussion with the following comments:

- The Board understands that there is a problem with the passage rate on the licensure examination for certain candidates, and that there is a disparity of those with a FB/ESL background.
- The validity of multiple choice questions on the licensure exam is a concern, and the Board will take a serious look at the best steps that can be taken.

Langseth responded to questions about the process going forward, and he said that the first step was to pose questions to ASWB, get its response and then evaluate the discussion with the ESL Committee. The Committee will evaluate the responses and report back to the Board.

McDonald thanked DeAngelis and Atkinson for answering questions, and Merriman thanked them for their participation at today's meeting and for facilitating the New Board Member Orientation yesterday.

*(Garza left the meeting at 11:50 a.m.)*

**LUNCH** (11:55 – 12:40 p.m.)

#### **4. HPSP ANNUAL REPORT: Monica Feider**

Merriman introduced Monica Feider from Health Professionals Services Program "HPSP"). Feider referred to HPSP's "Board of Social Work Report, November 2005." Feider reported the following:

- Social Work had 6 referrals in 2005, with a total of 75 new referrals from all the Health Licensing Boards.
- Five were discharged from the program and 2 completed monitoring.
- Social Work monitoring is different from other large groups as 78% are monitored for alcohol as drug of choice, whereas drugs are the primary drug of choice in other professions.

- Non-disciplinary referrals to HPSP are higher with Social Workers than other Boards where third-party referrals are more common.
- HPSP is using ETG, a new drug screening tool where the consumption of alcohol can be detected within 5 days of consumption. ETG testing results in more positive screens and is a better tool to use in intervention. Clients are responsible for fees.

Bibus noted that HPSP is a service provided to licensees and it is included as part of licensure fees.

Ladd-Bowman added that HPSP has been diligent in working with IT staff to assure computer security for all the Health Licensing Boards, and that their leadership in the project has been commendable.

## **5. EXECUTIVE DIRECTOR'S REPORT: Frank Merriman**

Merriman reported that the Board has been operating with less than 100% of staff as he has recently had 2 eye surgeries, and one staff member has resigned. With the deadlines imposed by legislation that will go into effect January 1, there are many projects that must be completed. They include updating the Board's database, and its forms, along with updating online enhancements and the web site, and informing the licensees and staff of the pending changes. Therefore, extra duties have fallen on Zacher-Pate, McNair, Oberle and staff. As a result, customer service is not what licensees have received in the past, and Merriman asks for the Board's forbearance. Merriman also commented on the following:

- The change from Easy Gov to US Bank as the online services vendor was successful.
- Many technical changes have been successful in regard to the Board's computer system, and the Health Licensing Boards ("HLBs") are ahead of all state agencies in implementing US Bank as the Board's vendor. Zacher-Pate, Oberle, Chris Luhman the Project Manager from the Administrative Services Unit, and Mark Stensgard, Developer, have been instrumental in the success of the project.
- The Governor's "Drive to Excellence" ("DTE") program has not received much publicity, but the Governor has appointed his former Chief of Staff to head up this very important project. There is renewed emphasis to move forward on establishing a range of committees statewide to work on various aspects of the project.
- The Boards' Executive Directors ("EDs") have acted proactively to ensure that the HLBs are not left out of the DTE decision-making process. The EDs have participated on committees and have asked DTE representatives to meet with them.
- McElroy commented that the HLBs are a model for other state agencies because of their cooperation in such areas as IT, HR and accounting.
- Merriman reported that he needed to defer work plan information to the next Board meeting.

Bibus asked if copies of the new Board Statute could be sent out to Board members and educators. Merriman assured him that the Statute and a summary will be sent out and that the Statute is also available as a link on our website

## **6. COMMITTEE REPORTS**

### **A. Compliance Education Outreach Committee: Antonia Wilcoxon**

- Hoffman reported that Minnesota Social Services Association has been approved to have a conference in March. The theme is on the changes in the Practice Act. Bibus, Hallman, McNair and Hoffman will present.

### **B. Finance Committee: David Hallman**

- Hallman reported that the Committee did not meet due to ASWB'S New Member Board Training. He noted that expenses through September are right on track, and that they are waiting to see what will be the effect of the reduction in application and renewal fees.

### **C. ESL Committee: Peter Langseth**

- Langseth reported that it is exciting that 2 Board members are interested in joining the committee to continue the process that was discussed during ASWB's presentation today.

### **D. Legislation & Rules Committee: Tony Bibus**

- Bibus reported that a new task force would meet December 2 to discuss removing exemptions in the public sector.

### **E. Executive Committee: Tony Bibus**

- Bibus reported that the committee has not met, but he encouraged Board members to publicize the upcoming election of the Chair, Vice Chair and Secretary-Treasurer positions on the Board. He said that this is an important public relations opportunity for the Board to use to inform the community about the important business we do for public protection.
- Bibus encouraged those elected to officer positions and the Associations to get the news out in any way possible.

## **7. DISCIPLINARY MATTERS: Margaret Sebring Khali**

Hoffman distributed "Complaint Status Report, September 1, 2005 – October 31, 2005."

*(The meeting was closed for an Executive Session at 1:25 p.m.)*

1. In the Matter of Mary Jo Cody, LICSW, License Number 10202. **The Compliance Panels' recommendation to approve the Order Granting Unconditional License was unanimously approved by the Board.**



2. In the Matter of David H. Peterson, LICSW, License Number 2185. The Compliance Panel's recommendation to approve the Order Granting Unconditional License was unanimously approved by the Board.

3. In the Matter of Penny L. Scheffler, LISW, License Number 7462. The Compliance Panel's recommendation to approve the Order of Revocation was unanimously approved by the Board.

*(Ladd-Bowman left the meeting at 1:40 p.m.)*

4. In the Matter of Charles E. Harney, LGSW, License Number 16192. The Compliance Panel's recommendation to approve the Stipulation and Order providing for the voluntary surrender of the Licensee's Minnesota social work license was unanimously approved by the Board.

5. In the Matter of Heidi L. Jernstedt, LICSW, License Number 10721. The Compliance Panel's recommendation to approve the Order Granting Unconditional License was unanimously approved by the Board.

6. In the Matter of Robert W. Michler, LICSW, License Number 886. The Compliance Panel's recommendation to approve the Stipulation and Order conditioning and restricting the Licensee's license was unanimously approved by the Board.

*(The session was re-opened to the public at 2:22 p.m. and the meeting reconvened at 2:27 p.m..)*

There was a discussion during the Executive session about Board costs in revocation matters which is noted here for the public record. **A motion was made by Langseth, and seconded by Hallman, to attach Board costs to an Order of Revocation from the Department of Revenue at the time of nonrevoking the license. The motion passed unanimously.**

Also, during the Executive session the Compliance Panel recommended that Merriman sign routine Orders of Revocation in order to comply with Board Statute. **The Compliance Panel recommends that Merriman sign Orders of Revocation from the Department of Revenue within 30 days of receipt, and then present them to the Board at its next meeting. The motion passed unanimously.**

#### **8. BOARD TERM EXPIRATIONS ON JANUARY 2, 2006: Tony Bibus**

Bibus reported that Gaston, Khali and Mullegama's terms will expire on January 2, 2006. He has not heard from Gaston, but Khali will talk to her employer about committing to another term, and Mullegama will reapply.

## **9. ELECTIONS AND APPOINTMENTS FOR 2006: Tony Bibus**

Bibus thanked the Nominating Committee for its excellent work in securing candidates for these important positions on the Board and he congratulated and thanked the appointees for their willingness to serve on the Board.

### **A. Officers**

The Nominating Committee's recommendation to approve Wilcoxon as the Chair, Mullegama as the Vice Chair, and Hallman as the Secretary-Treasurer was unanimously approved by the Board.

### **B. Committee Assignments**

A motion was made by Cullen, and seconded by Hallman, to approve the following appointments:

- Ladd-Bowman to the ESL Committee;
- Sebring Khali or Beehler as ASWB's delegate, and Middlebrooks as an alternate delegate;
- Langseth to the Finance Committee; and
- Bibus to continue as the Board's liaison to the Advisory Committee.

### **C. Liaison Appointments**

See above.

## **10. PROPOSED 2007 BOARD MEETING SCHEDULE\**

A motion was made by Langseth, and seconded by Beehler, to approve the 2007 Board Meeting Schedule for meeting the third Friday every other month. The motion carried unanimously.

## **11. FARB CONFERENCE ATTENDANCE**

Hallman and Mullegama will attend the FARB conference February 3-5, 2006.

Kassekert attended the CAC conference November 3-5 in Denver. She gave handouts from the conference to Merriman regarding Board self and external evaluations, and she shared information on discussions she attended about Board cooperation with the media, and licensure boards informing educators and the criminal justice system about newly implemented rules and statutes.

## **12. PUBLIC COMMENT**

There was no public comment.

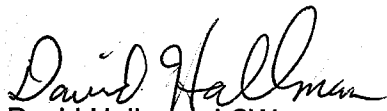
**13. OTHER BUSINESS**

There was no other business.

**14. ADJOURN**

The meeting adjourned at 2:48 p.m.

Respectfully submitted,

  
David Hallman, LSW  
Secretary-Treasurer